

From: Joann Lombardo To: Lynette

Date: 11/30/2004 Time: 1:45:42 PM

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GRC REDEVELOPMENT  
CITY OF MILPITAS

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## County of Santa Clara

Roads and Airports Department  
Land Development and Permits  
101 Skyport Drive  
San Jose, California 95110-1302  
(408) 573-2460 FAX (408) 441-0275



October 18, 2004

✓ Mr. Troy Fujimoto  
Planning Division  
City of Milpitas  
455 E. Calaveras Blvd.  
Milpitas, CA 95035

Subject: Draft Environmental Impact Report (EIR) - Elmwood Development Project  
Montague Expressway

Dear Mr. Fujimoto:

Your September 30, 2004 letter along with the subject Draft EIR has been reviewed. Our comments are as follows:

On Page 4 under Summary and Impacts of Mitigation Measures, it is stated in TR-4 that the developer shall pay to the City a "fair share" of the cost of widening Montague Expressway.

Currently, the City and County are working together towards the widening of Montague Expressway between Great Mall Parkway and SR 680. We look forward to similar co-operation towards the remaining portions of Montague Expressway widening on the basis of City's collection of "fair share" contributions from other projects.

Please call me at 408-573-2465 if you have any questions.

We thank you for the opportunity to review this matter.

Sincerely,

Ashok Vyas

cc: Mike McNeely, City Engineer, City of Milpitas  
DEC, MFG, MA, TH, WRL, file

**Commentator:** County of Santa Clara roads and Airports Department, Ashok Vyas; in a letter dated October 18, 2004.

**County of Santa Clara Comment #1:**

On Page 4 under Summary and Impacts of Mitigation Measures, it is stated in TR-4 that the developer shall pay to the City a “fair share” of the cost of widening Montague Expressway. Currently, the City and County are working together towards the widening of Montague Expressway between Great Mall Parkway and SR 680. We look forward to similar cooperation towards the remaining portions of Montague Expressway widening on the basis of City's collection of “fair share” contributions from other projects.

**Response to County of Santa Clara #1:**

The City acknowledges the County comment, which is hereby incorporated in the EIR for the Project for future reference.

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October 29, 2004

City of Milpitas Planning Division  
Attn: Troy Fujimoto  
455 East Calaveras Blvd.  
Milpitas CA 95035

Dear Mr. Fujimoto:

Re: Elmwood Residential and Commercial Development Project

It was a pleasure to meet you at the KB Homes project presentation meeting earlier this month. Many members of the Sylvan Gardens neighborhood association are looking forward to seeing improvements on the undeveloped property along Abel Street, myself included. We are especially delighted to note that KB Homes will be including a small park in the proposed development, something our area has been sorely lacking.

There are, however, a few areas of concern regarding this project which I would like to bring to your attention. These concerns have been the subject of much discussion among the community members in the Sylvan Gardens area, and were addressed at our neighborhood meeting on October 15, 2004. With the addition of nearly 700 new housing units to this very small area, we are greatly concerned regarding the following:

**Size of the proposed park area:**

We understand that the 6 acres of proposed public park and trails meets the minimum city requirements for a development of this size, however we would ask the city to remember that the entire Sylvan Garden area has no city park. This means the new proposed park area will be utilized not just by the new development, but by the population of Sylvia Avenue, Corning, Palmer, Ethel and the Junipero area as well. It is also evident that the "park" is the long, narrow linear stretch of land over the Hetch Hetchy right-of-way. The very layout of this park as proposed is not family-friendly, and does not make itself useful as an area for gatherings of any size. A large family party, as is very common in other neighborhood parks, would not be feasible for such a layout, as the grass and picnic area are nowhere near the "Tot Lot", with several paved athletic courts in between. We would implore you to consider expanding the park area to at least twice the proposed area in order to make it a family-friendly, usable facility. Perhaps it would even be possible to allot one of the three proposed auto centers as a park facility, with the added advantage of keeping the bright lights and loudspeakers inherent to auto dealers a more appropriate distance from the existing neighborhood.

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**Increase in traffic to the immediate area:**

According to CMP guidelines and LOS criteria in the Project EIR, there are eight intersections that will be operating at unacceptable levels of service for one or both peak hours when this project is complete. Even with proposed mitigation measures, the Midtown Specific Plan EIR found that the impacts on five intersections would be "significant and unavoidable" (80). At the current time it already takes an incredibly inconvenient amount of time to reach Calaveras Boulevard from Sylvia Avenue during peak hours. Drivers must sit through countless light cycles simply to turn right onto Calaveras Boulevard, an action allowed only on the green light.

The additional impact of some 6,000 car-trips per day (EIR 79) due to the new project development puts too many intersections into the "unacceptable" category by LOS standards. We ask you to consider the impact of putting so many housing units into such a small area.

**Impact on community resources – Fire, Police, Schools:**

According to the EIR, the additional elementary school students generated from the proposed development would attend Zanker Elementary School, a school which this same report states is already near capacity (202).

Additionally, according to the EIR, "the Project design constraints will produce narrower street widths and tighter turning radii, which are incompatible with performance specifications of the Fire Department's current ladder truck and engines resulting in a significant impact" (201). This creates a hazardous condition and possible city liability where city emergency vehicles would be unable to navigate entire neighborhoods.

We would again ask you to consider the impact of packing dwelling units in so tightly that our schools become impacted and our fire trucks are unable to navigate the streets corners to serve this new population.

May I close by reiterating that we welcome KB Homes and are pleased to see the undeveloped areas on Abel being put to use. We would simply ask that you reconsider how many units should be allowed in such a small area, and how greatly this project will impact both current and future community members. The Reduced Residential Density Alternative proposed in the EIR seems an ideal alternative, and we ask that you give it serious deliberation.

Thank you for your kind consideration in this matter.

Sincerely,

Ginger Thompson

**Commentator:** Ginger Thompson; in a letter dated October 29, 2004

**Ms. Thompson Comment #1:**

Size of the proposed park area...We understand that the 6 acres of proposed public park and trails meets the minimum city requirements...We would implore you to consider expanding the park area to at least twice the proposed area...

**Response to Ms. Thompson #1:**

In accordance with CEQA Guidelines, the DEIR considers significant impacts to parks and recreation services relative to: (1) compliance with General Plan/Specific Plan policies; and (2) adverse physical impacts associated with the provision of new or physically altered park and recreational facilities that are needed to maintain acceptable service ratios. As discussed in Section 5.1 of the DEIR, there are a number of Midtown Specific Plan policies related to park and recreational facilities in the Project Area. The proposed Project would meet these policies by providing 17 acres of park and open space, creating a linear park along the Hetch-Hetchy right-of-way, and establishing Elmwood Park, which would consist of approximately 1.5 acres, and would include planting replacement trees to replicate the O'Toole elm grove.

Regarding acceptable levels of park service, Section 5.12 of the DEIR explains that, based on adopted Specific Plan policies, the Project is required to provide 7.7 acres of parks/open space. The Project proposes 7 acres of public park and trails, 1 acre of private recreation areas, and 9 acres of common usable open space, totaling 17 acres of public park, private recreation areas, and common usable open space areas. These acreages exceed the minimum requirements established by the City's Midtown policies. Construction of these facilities would be required to comply with City's standard requirements. Maintenance of these facilities would be assisted by Mitigation Measure PS-1, which requires the Project developer to contribute a fair share for the maintenance of the park and open space facilities. Consequently, the DEIR finds that the Project would not adversely affect park facilities or service ratios.

Ms. Thompson's comment regarding increasing the size of the Project's park areas above the required amount relates to site planning aspects of the Project that are not under the purview of CEQA.

**Ms. Thompson Comment #2:**

Increase in traffic to the immediate area...The additional impact of some 6,000 car-trips per day due to the new Project development puts too many intersections into the "unacceptable" category by LOS standards...

**Response to Ms. Thompson #2:**

Many of the congested intersections in the City are due to regional traffic traveling through the City, primarily due to Milpitas' location as a crossroads of several major transportation corridors. The Project would result in significant traffic impacts in several locations because these intersections are already congested. The mitigation measures recommended in the EIR would partly offset the traffic impacts created by the Project but some impacts cannot be fully mitigated. In light of the remaining significant impacts, any project approval must be supported by a statement of overriding considerations in which the City balances the benefits of the Project against its significant unavoidable impacts. As noted on page 83 of the DEIR, the Project will generate less traffic than what was originally anticipated in the Midtown Specific Plan EIR. The traffic analysis in the Midtown EIR also concluded that all but one of the intersections that have significant unavoidable impacts were expected to operate at an unacceptable level during the peak hours as the Midtown area developed.

The Project was required to complete a traffic impact analysis (TIA) in accordance with City of Milpitas and Valley Transportation Authority Congestion Management Program guidelines. The TIA fairly assesses the impact of the Project on traffic conditions in the Project vicinity.

**Ms. Thompson Comment #3:**

Impact on community resources... additional elementary school students generated from the proposed development would attend Zanker Elementary School, a school which this same report states is already near capacity... Additionally...the Project design constraints will produce narrower street widths and tighter turning radii, which are incompatible with performance specifications of the Fire Department's current ladder truck and engines resulting in a significant impact.

**Response to Ms. Thompson #3:**

In accordance with CEQA Guidelines, the DEIR considers significant impacts to schools and fire protection services relative to adverse physical impacts associated with the provision of new or physically altered governmental facilities that are needed to maintain acceptable

service ratios, response times, or other performance objectives. As discussed in Section 5.12 of the DEIR, Milpitas Unified School District (MUSD) schools currently operate below capacity. There is sufficient surplus capacity to accommodate students at Specific Plan buildout as well as the additional students generated from the proposed Project General Plan and Specific Plan amendments. California law allows the governing body of a school district to impose a fee on all new development within the district's jurisdiction to fund construction or reconstruction of school facilities. These fees are intended to mitigate the school cost associated with new development. Currently, MUSD collects school impact fees for new development to the maximum extent allowable under State law. Consequently, the Project is not expected to adversely affect school facilities or service ratios or other performance objectives.

Regarding fire protection services, Section 5.12 of the DEIR discusses that the proposed Project would be adjacent to Fire Station No. 1, and consequently would not significantly impact acceptable fire safety service response times. The DEIR also finds that development of narrower streets in the Project Area could require the need for new fire safety apparatus, such as a fire safety vehicle that could more easily maneuver the narrower streets. The City has recently purchased smaller fire trucks that will be able to maneuver the narrower streets of the proposed project. In addition, Mitigation Measure PS-1 is added to the Project to require the development to contribute its fair share toward needed services, including fire safety apparatus. No further discussion or mitigation in the EIR related to schools or fire safety is warranted.

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FROM : JANINE MAC ART

GRC REDEVELOPMENT  
CITY OF MILPITAS  
FAX NO. : 408 252-4353

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PAGE 04  
Nov. 14 2004 10:33PM P1

November 12, 2004

City of Milpitas Planning Division  
455 E. Calaveras Boulevard  
Milpitas, CA 95035  
Attn: Troy Fujimoto

Re: Draft Environmental Impact Report for KB Home/Elmwood Project

Dear Mr. Fujimoto,

As long time residents of Sylvan Gardens, the neighborhood which borders the proposed Elmwood Development Project, we would like to express our views and concerns regarding the project's draft Environmental Impact Report (EIR).

**Land Use Impacts:**

The Project proposal includes a request to change the land use designation of 20+ acres located on the West Side of south Abel Street from "General Commercial" and "Parks and Open Spaces" to "High Density Residential". While we recognize the need for growth within the City, we feel that development should occur in those sites in the Midtown Plan area where negative impacts are fewer. With respect to the Elmwood site, the EIR states that implementation of the Project would require major zoning changes and amendments to both the General Plan and the Midtown Specific Plan.

**Parks and Open Spaces:**

The Project Proposal is inconsistent with Midtown Specific Plan Land Use Policy 3.30, which states: Encourage a 10-acre site to be developed as park and recreation, located on the Elmwood site, adjacent to Penetencia Creek. The "linear open space" and 1/2 acre "tot lot" which KB is proposing does not meet the qualifications of a "neighborhood park" (something our established community has been in need of for 20+ years!) In addition, the linear parks being proposed on the Hetch Hetchy right-of-way are nothing more than a buffer zone between the residential units and the Elmwood Correctional Facility.

**Traffic Impacts:**

The EIR submitted by KB Homes does not adequately address or mitigate the many significant traffic impacts the Project will cause in the Midtown area. The City's Midtown Specific Plan implements changes to Abel Street, but primarily encourages pedestrian and bicycle traffic (e.g., elevated median, landscaping, and benches.) We saw no plans by the City to widen this main thoroughfare or to open other access roads to residential and commercial areas (i.e., Abbott Avenue).

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CITY OF MILPITAS

PAGE 05

FROM : JANINE

MAC ART

FAX NO. : 408 262-4358

NOV. 14 2004 10:33PM P2

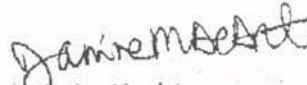
**Public Schools Impact:**

Public school enrollment generated by the Project is not well examined by the EIR. KB Homes proposes an estimated increase between 80 and 90 new students (K-12<sup>th</sup> grade). Using 2000 Census Bureau Data, for the City of Milpitas, where "Total number of households with children under 18" was 43% of total households, actual enrollment could increase by 400 to 500 students. As most public schools in Milpitas are currently operating at capacity or near capacity levels, this demands more attention.

In conclusion, any decision made by the Planning Commission regarding development of the Elmwood site should be made with caution. We urge those trusted with making this decision to fully explore other land use alternatives, and to carefully consider all impacts to the community.

Sincerely,

  
Jo Andrade-Bunnell  
475 Palmer Street

  
Janine MacArt  
371 Corning Avenue

**Commentator:** Jo Andrade-Bunnell and Janine MacArt; in a letter dated November 12, 2004

**Ms. Andrade-Bunnell and Ms. MacArt Comment #1:**

Land Use...the EIR state that the Project would require major zoning changes and amendments to both the General Plan and the Midtown Specific Plan.

**Response to Ms. Andrade-Bunnell and Ms. MacArt #1:**

Section 4.3 of the DEIR identifies the entitlements required by the Project. They include the proposed General Plan and Specific Plan Amendment, and a Zone Change. Section 5.1.3 of the DEIR discusses the potential impacts of these entitlements pursuant to CEQA established thresholds of significance. The DEIR explains that the Specific Plan, General Plan and Zoning Code are interrelated documents. By proposing to amend each of the documents, the DEIR finds that Project would comply with all applicable land use plans and policies. Approval of these requested amendments has been considered by the City Planning Commission and will be considered by the City Council through the public hearing process. This review process is specifically designed by State law and City Municipal Code provisions to assess and resolve potential conflicts with applicable land use policies. No further discussion of land use planning issues in the EIR is warranted.

**Ms. Andrade-Bunnell and Ms. MacArt Comment #2:**

Parks and Open Spaces...The Project Proposal is inconsistent with Midtown Specific Plan Land Use Policy 3.30, which states: Encourage a 10-acre site to be developed as park and recreation, located on the Elmwood site, adjacent to Penitencia Creek.

**Response to Ms. Andrade-Bunnell and Ms. MacArt #2:**

As discussed above in the response to Ms. Thompson's Comment #1, there are a number of Midtown Specific Plan policies related to park and recreational facilities in the Project Area. The proposed Project would meet these policies by providing 17 acres of park and open space, creating a linear park along the Hetch-Hetchy right-of-way, and establishing Elmwood Park, which would consist of approximately 1.5 acres, and the planting of replacement trees to replicate the O'Toole Elms grove. The park and open space components would include 7 acres of public park and trails, 1 acre of private recreational area, and 9 acres of usable open space. These acreages exceed the minimum requirements established by the City's Midtown policies. No further discussion or mitigation related to park issues in the EIR is warranted.

**Ms. Andrade-Bunnell and Ms. MacArt Comment #3:**

Traffic Impacts...The EIR...does not adequately address or mitigate the many significant traffic impacts the Project will cause in the Midtown Area.

**Response to Ms. Andrade-Bunnell and Ms. MacArt #3:**

The Project was required to complete a traffic impact analysis (TIA) in accordance with City of Milpitas and Valley Transportation Authority Congestion Management Program guidelines. The TIA fairly assesses the impact of the Project on traffic conditions in the Project vicinity. The Project would result in significant impacts in several locations. The mitigation measures recommended in the EIR would partly offset the traffic impacts created by the Project. In light of the remaining significant impacts, any project approval must be supported by a statement of overriding considerations in which the City balances the benefits of the Project against its significant unavoidable impacts.

. The City notes that most of Abel Street operates well within its capacity and there are no plans to widen Abel Street. Recent traffic counts (reference page no. in DEIR) have shown evidence of traffic volumes actually decreasing on Abel Street within the past year. This is most likely due to the widening of I-880, which has encouraged more traffic to use the freeway. Generally, the capacity of a roadway is limited by the capacity of its intersections. For this reason, any capacity related improvements on Abel Street would most likely occur at its busiest intersections, which include Calaveras Boulevard and Great Mall Parkway in the Project vicinity.

**Ms. Andrade-Bunnell and Ms. MacArt Comment #4:**

Public School Impacts...Public school enrollment generated by the Project is not well examined by the EIR...

**Response to Ms. Andrade-Bunnell and Ms. MacArt #4:**

As discussed above in the response to Ms. Thompson's Comment #3, the DEIR considers significant impacts to schools relative to adverse physical impacts associated with the provision of new or physically altered governmental facilities that are needed to maintain acceptable service ratios, response times, or other performance objectives. MUSD schools currently operate below capacity. Pursuant to California law, the governing body of a school district may impose a fee on all new development within the district's jurisdiction to fund construction or reconstruction of school facilities. These fees are intended to mitigate

the school cost associated with new development. Currently, MUSD collects school impact fees for new development to the maximum extent allowable under State law. Consequently, the Project is not expected to adversely affect school facilities or service ratios or other performance objectives, and further discussion or mitigation in the EIR is warranted.

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CITY OF MILPITAS

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Pacific Gas and Electric Company

111 Almaden Boulevard  
P.O. Box 15005  
San Jose, CA 95115-0005

November 10, 2004

City of Milpitas  
455 E. Calaveras Bl.  
Milpitas, CA 95035  
Attn: Troy Fujimoto  
Fax #: 408-586-3293



RE: Review of Draft Environmental Impact Report (EIR)  
Elmwood Residential and Commercial Development Project  
Both sides of Abel Street, n/o Elmwood Correctional facility, Milpitas  
Report dated : 9/27/2004  
SCH: 2003112102  
PG&E file: 40322924-y04-MR-170

Dear Sir / Madam,

Thank you for the opportunity to review the Draft Environmental Impact Report, for the above project. PG&E has the following comments to offer:

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed project. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development. Because facilities relocation's require long lead times and are not always feasible, the developers should be encouraged to consult with PG&E as early in their planning stages as possible.

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**Pacific Gas and Electric Company**

111 Almaden Boulevard  
P.O. Box 15005  
San Jose, CA 95115-0005



Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

We would also like to note that continued development consistent with City's General Plans will have a cumulative impact on PG&E's gas and electric systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads.

Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of electric system improvements needed to accommodate growth may include upgrading existing substation and transmission line equipment, expanding existing substations to their ultimate buildout capacity, and building new substations and interconnecting transmission lines. Comparable upgrades or additions needed to accommodate additional load on the gas system could include facilities such as regulator stations, odorizer stations, valve lots, distribution and transmission lines.

We would like to recommend that environmental documents for proposed development projects include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve those developments and any potential environmental issues associated with extending utility service to the proposed project. This will assure the project's compliance with CEQA and reduce potential delays to the project schedule.

We also encourage the Planning Office of the City to include information about the issue of electric and magnetic fields (EMF) in environmental documents. It is PG&E's policy to share information and educate people about the issue of EMF.

Electric and Magnetic Fields (EMF) exist wherever there is electricity--in appliances, homes, schools and offices, and in power lines. There is no scientific consensus on the actual health effects of EMF exposure, but it is an issue of public concern. If you have questions about EMF, please call your local PG&E office. A package of information which includes materials from the California Department of Health Services and other groups will be sent to you upon your request.

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Pacific Gas and Electric Company

111 Almaden Boulevard  
P.O. Box 15005  
San Jose, CA 95115-0005



PG&E remains committed to working with City to provide timely, reliable and cost effective gas and electric service to the planned area. We would also appreciate being copied on future correspondence regarding this subject as this project develops.

The California Constitution vests in the California Public Utilities Commission (CPUC) exclusive power and sole authority with respect to the regulation of privately owned or investor owned public utilities such as PG&E. This exclusive power extends to all aspects of the location, design, construction, maintenance and operation of public utility facilities. Nevertheless, the CPUC has provisions for regulated utilities to work closely with local governments and give due consideration to their concerns. PG&E must balance our commitment to provide due consideration to local concerns with our obligation to provide the public with a safe, reliable, cost-effective energy supply in compliance with the rules and tariffs of the CPUC.

Should you require any additional information or have any questions, please call me at (408) 282-7401.

Sincerely,

*Alfred Poon*  
Alfred Poon  
Land Agent  
South Coast Area, San Jose

**Commentator:** Pacific Gas and Electric Company (PG&E), Alfred Poon, Land Agent; in a letter dated November 10, 2004.

**PG&E Comment #1:**

PG&E owns and operates gas and electric facilities which are located within and adjacent to the proposed Project...Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities...The developers will be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate their proposed development...Relocations of PG&E's electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their Project schedules.

**Response to PG&E Comment #1:**

The City acknowledges PG&E's comment, which is hereby incorporated in the EIR for the Project for future reference.

**PG&E Comment #2:**

We would also like to note that continued development consistent with City's General Plans will have a cumulative impact on PG&E's gas and electric systems, and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas or electric transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads. Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development...

**Response to PG&E Comment #2:**

Gas and electric service for the project is addressed on pages 191, 195-96 of the DEIR. The DEIR concludes there are adequate services for the Project.

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CITY OF MILPITAS

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5750 ALMAZEN EXPWY  
SAN JOSE CA 95118-3686  
TELEPHONE (408) 265-2600  
FACSIMILE (408) 266-0271  
www.valleywater.org  
AN EQUAL OPPORTUNITY EMPLOYER

File: 25919  
Lower Penitencia Creek

November 12, 2004

Mr. Troy Fujimoto  
Planning Division  
City of Milpitas  
455 East Calaveras Boulevard  
Milpitas, CA 95035

Subject: Draft Environmental Impact Report for the Elmwood Residential and Commercial  
Development Project—Sch No. 2003112102

Dear Mr. Fujimoto:

The Santa Clara Valley Water District (District) has reviewed the subject document, received on October 5, 2004, and has the following comments:

The Draft Environmental Impact Report (DEIR) should address changes in the floodplain located south of Tasman Drive due to the construction of the light rail along Tasman Drive and soundwall located southerly Tasman Drive. It is the understanding of the District that construction of the roadway improvement for Tasman Drive affected the existing floodplain, but the impacts are not reflected on the current Federal Insurance Rate Map (FIRM). Therefore, the current FIRM may not adequately show flood conditions on the Elmwood site. The DEIR for the proposed project should acknowledge this existing condition.

As a reminder, please submit the mitigation and monitoring plan and final floodplain study prior to your approval of the improvement plans.

For sites greater than 1 acre, the developer must file a Notice of Intent to comply with the state's National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity with the State Water Resources Control Board.

District records show four wells on the site. In accordance with the District Ordinance 90-1, the owner should show any existing well(s) on the plans. The well(s) should be properly maintained or destroyed in accordance with the District's standards. Property owners or their representatives should call the Wells and Water Production Unit at (408) 265-2607, extension 2660, for more information regarding well permits, and registration or destruction of any wells.

Please submit two sets of improvement plans when available for our review and issuance of a permit. The submittal shall include grading and drainage, fencing, landscape, and irrigation plans.

Please reference File No.25919 on further correspondence regarding the project.

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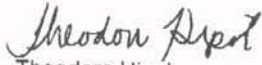
CITY OF MILPITAS

PAGE 05

Mr. Troy Fujimoto  
Page 2  
November 12, 2004

Should you have any questions, please give me a call at (408) 265-2607, extension 2494, or email me at [THipol@valleywater.org](mailto:THipol@valleywater.org).

Sincerely,



Theodore Hipol  
Assistant Engineer  
Community Projects Review Unit

cc: S. Tippetts, S. Yung, T. Hipol, M. Klemencic, B. Smith, S. Katric, S. Rose, G. Fowler,  
S. Wrightson, D. Duran, File (2)  
eh:lm  
1110m-pl.doc

**Commentator:** Santa Clara Valley Water District (SCVWD), Theodore Hippel, Assistant Engineer, in a letter dated November 4, 2004.

**SCVWD Comment #1:**

The (DEIR) should address changes in the floodplain located south of Tasman Drive due to the construction of the light rail along Tasman Drive and soundwall located southerly (of) Tasman Drive.

**Response to SCVWD Comment #1:**

The flood analysis in the DEIR reflects these changes in the existing conditions. The Project will submit a letter of Map Revision to the Federal Emergency Management Agency (FEMA) to revise the flood boundary in the Project area.

**SCVWD Comment #2:**

As a reminder, please submit the mitigation monitoring plan and final flood plain study prior to your approval of the improvement s plans...for sites greater than one acre, the developer must file a Notice of Intent to comply with the state's National Pollution Discharge Element System General Permit for Storm Water discharges associated with construction activity with the State Water Resources Control Board...District records show four wells on the site. In accordance with the District Ordinance 90-1, the owner should show any existing well(s) on the plans. The well(s) should be properly maintained or destroyed in accordance with the District's standard.

**Response to SCVWD Comment #2:**

The City acknowledges SCVWD's comment, which is hereby incorporated in the EIR for the Project for future reference.

From: Joann Lombardo To: Lynette

Date: 11/30/2004 Time: 1:41:40 PM

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11/28/2004 23:55 4085863293

CITY OF MILPITAS

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~~STATE OF CALIFORNIA - BUSINESS, TRANSPORTATION AND HOUSING AGENCY~~

~~ARNOLD SCHWARZENEGGER, GOVERNOR~~

**DEPARTMENT OF TRANSPORTATION**

P. O. BOX 23660  
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November 15, 2004

SCL-880-7.69  
SCL880218  
SCH 2003112102

Mr. Troy Fujimoto  
City of Milpitas  
455 E. Calaveras Boulevard  
Milpitas, CA 95035

Dear Mr. Fujimoto:

**Elmwood Residential and Commercial Development Project – Draft Environmental Impact Report (DEIR)**

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. We have reviewed the DEIR and have the following comments to offer.

**Highway Operations**

1. While the DEIR includes Appendix C, Traffic Impact Analysis, the spreadsheets showing outputs are missing. Also, the Department needs to know which program, TRAFFIX or SYNCHRO, was used for this analysis. Please submit for our review and comment.
2. Summary of Impacts and Mitigation Measures, page 5, TR-5: Mitigation measure is cut off at the bottom of the page. Please resubmit for our review and comment.
3. Intersection Impacts, page 80: This DEIR needs to identify mitigation measures that would reduce these impacts to 'insignificant' and also pay fair share fees for these mitigation measures.
4. Freeway Impacts, page 81: This DEIR needs to identify mitigation measures that would reduce these impacts to 'insignificant' and also pay fair share fees for these mitigation measures.
5. Appendix C, Trip Generation & Distribution, page v: *Scenario 1 would generate 931 AM peak hour trips and 1,320 PM peak hour trips.* These peak hour trips are below what is shown in Table 4 on page 78. Please explain why and revise as appropriate.

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